DECISION NOTICE

and

FINDING OF NO SIGNIFICANT IMPACT

RESEARCH-ROCHFORD PROJECT

USDA Forest Service
Black Hills National Forest
Northern Hills Ranger District
Lawrence and Pennington Counties, South Dakota

INTRODUCTION

The Research-Rochford Project Environmental Assessment ("EA") discloses the environmental effects of proposed activities associated with the harvest of timber and other activities in the Research-Rochford project area. I have reviewed the EA, Revised Forest Plan and Phase I Amendment direction relevant to the project area, and related material including the Research-Rochford project file. I base my decision on that review.

An interdisciplinary team ("IDT") of resource specialists conducted the effects analysis and prepared the EA. In accordance with the National Forest Management Act and the National Environmental Policy Act, the IDT considered the affected area, formulated alternatives, and estimated environmental consequences based on Revised Forest Plan and Phase I Amendment goals, objectives, standards, and guidelines, and issues raised during scoping.

The EA is tiered to the Black Hills National Forest 1997 Revised Land and Resource Management Plan ("Revised Forest Plan"), associated Final Environmental Impact Statement ("FEIS"), and Phase I Amendment. The Research-Rochford EA, Revised Forest Plan, FEIS, and Phase I Amendment are available for review at the Northern Hills Ranger District office of the Black Hills National Forest in Spearfish, South Dakota, and the Forest Supervisor's office in Custer, South Dakota.

Location

The Research-Rochford project consists of 25,690 contiguous acres in Lawrence and Pennington Counties, South Dakota, and is located immediately northeast of Rochford, South Dakota. While the proposed project area includes 2,929 acres of scattered private lands, this environmental assessment (EA) addresses only management activities proposed on National Forest lands. Travel, including log hauling, may cross private lands on which the Forest Service has acquired right-of-way.

The legal description is identified in Table 1.

Township	Range	Section (all or portions)
T02N	R03E	1-3, 10-15, 23-26, 35-36
T02N	R04E	1-12, 15-22, 27-33
T03N	R03E	36
T03N	R04E	3-5, 8-11, 14-16, 21-23, 26-29, 31-35
Black Hills Meridian		

Table 1. Project Location

Forest Plan Management Area Designation

The Forest Plan assigns a management emphasis to each geographical area (management area) of the National Forest to meet multiple-use objectives. The Forest Plan describes a desired future condition, goals, objectives, standards, and guidelines for each management area. The Research-Rochford project area is within Management Area 5.1 (22,295 acres) and 5.3A (3,395 acres). Management area 5.1 is managed for wood products, water yield and forage production, while providing other commercial products, visual quality, diversity of wildlife and a variety of other goods and services. Management Area 5.3A is the Experimental Forest, and is managed to insure the integrity of current or planned research projects is protected. Experiments are designed to determine how alternative forest management programs affect forest resources.

No timber harvest or fuel treatments will take place in the Experimental Forest as a result of this project, although some transportation management changes will occur.

PURPOSE AND NEED

The Research-Rochford Project will implement the Revised Forest Plan by reducing susceptibility to insects and disease, reducing hazardous fuels, producing timber, sustaining future timber yield, enhancing vegetative diversity, reducing road densities, and enhancing big game habitat. The proposed action will respond to specific Revised Forest Plan goals and objectives. The goals and objectives protect natural resources; provide for diverse ecosystems; provide for wildlife habitat; provide for sustained commodity uses and production; and provide for scenic beauty, recreational opportunities, and heritage resource protection. These needs are tied to Forest Service laws, policies, and regulations, especially the Revised Forest Plan and Phase I Amendment objectives, standards, and guidelines.

DECISION

After careful consideration of applicable laws, regulations, and policies; Revised Forest Plan and Phase I Amendment direction; environmental effects and other information contained in the EA; and public comments received on the draft EA, I have decided to implement Alternative B, subject to minor modifications as identified below. My rationale for this decision is described in detail below.

Planned Activities

The following projects will be implemented in the Research-Rochford project area, subject to availability of funds. Figures are approximate. Detailed descriptions and maps are available in Chapter Two of the EA and the project file. Treatment unit layout may vary slightly from the boundaries shown on the maps depending on ground conditions. Any differences between the EA and final layout will be documented in the project file.

Vegetation harvest will occur on approximately 3,072 acres, producing approximately 8.0 MMBF of sawtimber and 192 CCF of roundwood.

Vegetation Harvest Proposals

Commercial thinning/ Overstory Removal/Non-Commercial Timber Stand Improvement will occur on 207 acres. This treatment responds to variability within each stand and is designed to retain the best trees under conditions that promote optimal growth. Much of the stand will be commercially thinned from below to remove suppressed, defective, and excess stems, while maintaining the overstory at 40 – 60 square feet per acre of basal area (BA). Undesirable trees greater than 9 inches in diameter at breast height (DBH) may be offered for sale. Where an established understory exists (300 stems/acre and 1 foot tall, minimum), the overstory will be removed to allow the understory to develop. Basal areas will range from 0 to 20 square feet per acre in the overstory. In the overstory removal treatments, retention of at least 5 trees per acre of the largest diameter class available will provide large diameter snags over time. This is an intermediate treatment of a stand managed under the shelterwood system. The objective of the non-commercial timber stand improvement is to remove defective and excess trees within the 1 inch to 9 inch DBH range and retain the best stock at desired densities.

Overstory Removal/Non-commercial Timber Stand Improvement will occur on 1,358 acres to improve growth on well-established seedling/sapling stands. Large trees will be removed to allow the new stand to make full use of the site. In the overstory removal treatments, retention of at least 5 trees per acre of the largest diameter class available will provide large diameter snags over time. This will be the final harvest of the original stand and an improvement cut for the new stand. The objective of the non-commercial timber stand improvement is to remove defective and excess trees within the 1 inch to 9 inch DBH range and retain the best trees at desired densities.

Commercial Thinning/Non-Commercial Timber Stand Improvement will occur on 648 acres to retain the best growing stock under conditions that promote optimal growth. This involves thinning from below to remove undesirable, suppressed, defective, and excess stems. Trees greater than 9 inches DBH may be sold. If supported by the pulp and pole market, trees in the 5 inch to 9 inch DBH range may also be sold. The remaining BA will include all stems and range from 40 to 80 square feet per acre. This will be an intermediate treatment of a stand managed under the shelterwood system. Approximately 106 acres of the treatment area will include follow up prescribed burning.

Non-Commercial Timber Stand Improvements will occur on 442 acres. Suppressed, defective and excess trees will be removed to retain the best trees at a desired density. This treatment will treat trees with a 1 inch to 9 inch DBH and is being planned as non-commercial. If supported by the pulp and pole market, the trees may be sold.

Meadow Restoration will occur on 93 acres. This treatment will reestablish historic meadow conditions on previously existing meadow areas that have been encroached upon by conifer species. The prescription will remove conifer tree species, including removal of the understory by prescribed fire.

Hardwood Restoration will take place on 74 acres. This treatment will encourage hardwood occupancy of the site. All conifer trees will be removed, followed by prescribed burning to reduce fuels, reintroduce fire into the ecosystem, and increase browse, forage and hardwood regeneration. The site will be expected to shift to hardwood species. The EA identified 79 acres of hardwood restoration. Five of these acres were eliminated because they were in sensitive plant habitat. This will have negligible effects on the analysis findings.

Sanitation will take place on up to 250 acres as necessary to respond to localized mountain pine beetle infestation or windthrow events. Cutting of beetle-infested trees will take place in patches up to five acres in size. Area treated will not exceed 1% of the project area or 7% of the older, dense forest. Any sanitation harvest proposals will be reviewed on the ground by resource specialists prior to implementation.

Fuel Treatments Proposals

Jackpot Burning will take place on 72 acres to reduce concentrations of fuels. The treatment would not be associated with timber harvesting, but instead would concentrate on areas with high accumulations of fuels. Fuel breaks would not be constructed, as containment would use natural fuel breaks, roads and snow cover for control. The scattered heat associated with these burns should not harm trees greater than 3 inch DBH, but would destroy most seedlings.

Prescribed Burning will take place on 396 acres to reduce fuel loadings, stimulate browse, reduce stand density and reintroduce fire into the ecosystem. Cool under-burns will be used, allowing no more than 10% mortality in the overstory and up to 50% mortality in trees less than 9 inches DBH. Of the 396 acres, 106 acres will be in proposed commercial thinning/non-commercial timber stand improvement treatments, 93 acres will be in meadow restoration treatments, and 74 acres will be in hardwood restoration treatments. The remainder of the prescribed burning (123 acres) will be outside of proposed vegetation harvest treatments. The EA identified 401 acres of prescribed burning. Five of these acres were eliminated because they were in sensitive plant habitat (see hardwood restoration above). This will have negligible effects on the analysis findings.

Manual Fuels Reduction will take place on 53 acres to establish a low fuel-loading zone adjacent to roadways and private land. Trees less than 9 inches DBH will be cut. Leave tree spacing will be on 20 by 20 foot intervals or less, and the leave trees will reflect the range of tree diameters currently on the site but emphasize leaving the larger, better developed trees. Manual methods, including piling and burning, would be used to treat the existing and generated fuels.

Mechanical Fuels Reduction will take place on 481 acres to reduce fuel loads within stands. This treatment will be very similar to the manual fuels reduction treatment, but would utilize mechanical methods (chipping, mulching, etc.) to treat the existing and generated fuels. The EA identified 500 acres of mechanical fuels reduction. This

erroneously included 19 acres of spruce, which will not be treated. This will have negligible effects on the analysis findings.

Fuelbreaks will be constructed on 192 acres to establish a low fuel-loading zone adjacent to roadways and private land. Trees less than 9 inches DBH will be treated. Leave trees will be spaced at intervals up to 20 by 20 feet. Leave trees will reflect the range of diameters currently on the site but emphasize leaving the larger, better developed trees. Mechanical methods (chipping, mulching, etc.,) will be used to treat the existing and generated fuels

Road Proposals

Road Improvements
Approximately 2.9 miles of new road construction will be required. In addition, approximately 21.3 miles of road reconstruction and 29.0 miles of pre-use maintenance will be needed on existing classified roads.

Transportation Management
Approximately 3.7 miles of existing classified roads that are currently open yearlong will be closed yearlong with gates or other physical closures. Approximately 6.5 miles of existing classified roads that are currently open seasonally will be closed yearlong.

Several roads will also be decommissioned. This includes approximately 3.7 miles of existing classified roads and approximately 26.9 miles of existing non-classified roads.

Mitigation and Monitoring

The following mitigation and monitoring measures will apply to my decision to prevent adverse effects or to maintain acceptable limits of change during implementation of project activities: Revised Forest Plan and Phase I Amendment standards and guidelines (Chapters II and III); State of South Dakota Best Management Practices (BMPs) for the Control of Nonpoint Pollution from Silvicultural and Related Road Activities; requirements in the Watershed Conservation Practices Handbook (Forest Service Handbook 2509.25); guidelines to prevent the spread of noxious weeds as identified in the 2003 Black Hills National Forest Weed Management Plan; and site-specific mitigation measures listed in Chapter Two of the Research-Rochford EA (Section 2.1.5). Project activities will be monitored according to the plan presented in Appendix A of the EA.

Decision Process

Public Involvement

During the scoping process for this project, the IDT identified members of the public who may have had an interest in the decisions made for the project area or whom the proposed projects could have affected. The individuals, groups, agencies and organizations contacted during initial scoping are listed in the project file. Scoping outreach and responses are contained in the project file.

Scoping comments from the general public were key to developing issues. The IDT also considered internal comment from Forest Service resource specialists, other agencies, organizations, and landowners in the development of the following issues.

- There is concern that if pine stands are not treated, mountain pine beetle infestations would increase to epidemic levels.
- There is concern that there are large concentrations of hazardous fuels on National Forest System lands adjacent to private developments within the Project Area, and some private landowners and agencies would like the Forest Service to increase activities to reduce this hazard. There is also concern that if prescribed fire is utilized to reduce the fuel load, the fire could escape and cause unanticipated damage to private lands and resources, as well as National Forest system lands and resources
- There is concern that closing roads would detrimentally impact use of the area for motorized recreation and increase wildfire suppression time. Other comments indicate there are too many roads in the Project Area and this detrimentally impacts wildlife habitat.
- There is concern that the proposed timber harvest levels must be adequate to meet Revised Forest Plan objectives for sustained commodity production, while providing long-term forest sustainability.
- There is concern that the proposed timber harvest levels should be reduced because of potential detrimental impacts to biodiversity and wildlife habitat.

Public comments were received when the District released the draft EA in March 2004 for a 30-day comment period in accordance with Federal regulations at 36 CFR 215. Comments (and agency responses) are included in Appendix B of the EA. I concur with the responses in Appendix B. The analysis addresses all concerns to my satisfaction.

Alternatives Considered in Detail

Three alternatives were evaluated in detail in the EA, including the no action alternative. Complete descriptions of the alternatives considered in detail, including management activities and how each alternative addresses issues, are contained in Section 2.1 and 2.4 of the EA. I believe the alternatives adequately address the issues raised during the analysis. The range of alternatives (including those dismissed from detailed study) is adequate.

Alternative A (no action alternative) would not implement any vegetation management or roads management projects in the Research-Rochford project area.

Alternative B will implement management actions as described above.

Alternative C identifies various vegetation harvest treatments, fuel treatments and transportation management actions. When compared to alternative B, this alternative involves 445 less acres of vegetative harvest treatment, 71 less acres of fuel treatments, and closes more roads. This alternative identified vegetation harvest on approximately 2,627 acres, producing approximately 7.3 MMBF of sawtimber and 118 CCF of roundwood.

Comparison of Alternatives

In making my decision, I first focused on how well the alternatives address the purpose of and need for action. The purpose of and need for action in the Research-Rochford project area is to reduce susceptibility to insects and disease, reduce hazardous fuels, produce

timber, sustain future timber yield, enhance vegetative diversity, reduce road densities, and enhance big game habitat

The summary of Forest Plan direction and management opportunities presented in the EA (Section 1.5) clearly indicates that actions are needed to respond to the purpose and need and move the existing forest resource conditions toward the Forest Plan desired condition. Because of this, Alternative A (no action) does not respond well to the purpose of and need for action. No actions would be taken to reduce the risk of mountain pine beetle infestation or hazardous fuels, produce timber or improve timber stand yield, enhance vegetative diversity, reduce road density, or improve big game habitat. This alternative would not produce commercial timber in Management Area 5.1, where timber production is an emphasis.

The action alternatives (Alternatives B and C) would address the purpose and need in similar ways in that they both would reduce the risk of mountain pine beetle infestation and hazardous fuels, produce timber and improve timber stand yield, enhance vegetative diversity, reduce road density, and improve big game habitat.

After reviewing each alternative's response to the purpose and need, I then examined differences between the action alternatives and how they address issues and public comments. The response of the alternatives to the relevant issues follows:

1. **Mountain Pine Beetle**

   Alternative A would not reduce stand susceptibility to mountain pine beetle and other insects. Alternatives B and C would reduce risk in treated stands or through sanitation treatment.

2. **Fuels and Prescribed Fire**

   Alternative A would not involve prescribed burning, and would address the concern of the high risk to public and private resources associated with prescribed burning. But, Alternative A would not address the need to reduce high fuel loading in the Project Area. The incorporation of mechanical forms of fuels reduction into Alternatives B and C also addresses the concern of the high risk to public and private resources associated with prescribed burning. Alternatives B and C would reduce fuel loading using both mechanical methods and prescribed fire, address the concern of high fuel loading in the Project Area and reduce the potential of a catastrophic wild fire.

3. **Travel Management**

   Alternative A would maintain current travel management. Alternative B has the minimal amount of road closure when compared to Alternative C, and addresses the concern identified in scoping that the project originally identified too many road closures. Alternatives B and C would have varying responses to the concern that the existing road network needs to be reduced to enhance wildlife habitat and increase habitat effectiveness.

4. **Timber Harvest**

   Alternative A would not produce any wood products at this time. Alternatives B and C would provide varying amounts of wood products and fiber, and increase growth in treated stands.

5. Biodiversity/Wildlife Habitat

Alternative A would not disturb existing wildlife and rare plant habitat. All dense forest habitat would remain, and the susceptibility of these stands to stagnation, pathogens, and fire would increase over time. Under Alternatives B and C, some existing wildlife habitat would be disturbed; extensive vegetation mortality would be less likely in treated stands, and growth of trees in treated stands would increase. Both of the action alternatives would retain 5 trees per acre in the overstory removal treatments to meet Revised Forest Plan snag requirements, but would harvest many smaller trees. Alternative C would increase habitat effectiveness for deer and elk more than Alternative B, primarily because of the increase in road closures. Both action alternatives would meet Revised Forest Plan objectives and be an improvement over the existing condition.

As depicted in Table 2, the alternatives vary in the acreage and amount of vegetative and fuels treatments, and vary in the amount of transportation management activities.

Alternative Components	No Action Alternative A	Proposed Action Alternative B	Alternative C
Acres Commercial Thinning/Overstory Removal/Non-commercial Timber Stand Improvement	0	207	166
Acres Overstory Removal/Non-Commercial Timber Stand Improvement	0	1,358	1,330
Acres Commercial Thinning/Non-commercial Timber Stand Improvement (106 acres would include follow up prescribed burning)	0	648	405
Acres Non-commercial Timber Stand Improvement	0	442	348
Acres Meadow Restoration(includes follow up prescribed burning)	0	93	93
Acres Hardwood Restoration (includes follow up prescribed burning)	0	74	35
Acres of Sanitation	0	250	250
Volume Of Commercial Timber (mmbf)	0	8.0	7.3
Volume Of Round Wood (ccf)	0	192	118
Acres of Jackpot Burning	0	72	72
Acres of Prescribed Burning**	0	396	383
Acres of Manual Fuels Reduction	0	53	53
Acres of Mechanical Fuels Reduction	0	481	481
Acres of Fuelbreaks	0	192	134
Miles of Road Construction	0	3.4	0.5
Miles of Road Reconstruction	0	21.3	21.7
Miles of Road Maintenance	0	29.0	26.7
Miles of Existing Classified Road Currently Open Yearlong That Would Be Closed Yearlong	0	3.7	16.6
Miles of Existing Classified Road Currently Open Seasonally That Would Be Closed Yearlong	0	6.5	22.9
Miles of Existing Classified Road That Would Be Decommissioned	0	3.7	3.7
Miles of Existing Non-classified Road That Would Be Decommissioned	0	26.9	26.9

*** This includes acres associated with follow up prescribed burning in commercial thinning/non-commercial timber stand improvement, meadow restoration, and hardwood restoration treatments. See the discussion of each alternative for specifics.*

Table 2. Comparison of Alternatives

As reflected in Table 3, the alternatives also have varying response to the project issues.

	No Action (Alt. A)	Proposed Action (Alt. B)	Alternative C
Issue 1: Mountain Pine Beetle			
Acres of Pine at Risk of Beetle Infestation	Low 7,498 Medium 7,830 High 5,469	Low 8,782 Medium 7,341 High 4,675	Low 8,750 Medium 7,118 High 4,929
Acres of Commercial Thinning and Non-commercial Timber Stand Improvement	0	2655	2249
Issue 2: Fuel Treatment Acres			
Jackpot Burning	0	72	72
Prescribed Burning**	0	396	383
Manual Fuels Reduction	0	53	53
Mechanical Fuels Reduction	0	481	481
Mechanical Fuelbreaks	0	192	134
Wildland Urban Interface	0	285	246
Areas Treated Near Communities At Risk	0	17	17
Issue 3:Travel Management (approximate mileages)			
Miles of Existing Road Open Year-long	114.5	93.0	80.1
Miles of Existing Road Open Seasonally	28.7	20.4	4.0
Miles of Existing Road Closed Yearlong	22.3	21.5	50.8
Miles of Existing Road Decommissioned	0	30.6	30.6
Issue 4. Timber Harvest			
Potential Sale Volume	N/A	8.0 MMBF Sawtimber 192 CCF Roundwood	7.3 MMBF Sawtimber 118 CCF Roundwood
Percent of Project Area identified for harvest	N/A	10%	8%
Issue 5. Biodiversity/Wildlife Habitat			
Threatened and Endangered Species (Bald Eagle)	No Effect	No Effect	No Effect
Sensitive Species	N/A	May adversely impact some individuals, but is not likely to result in federal listing.	May adversely impact some individuals, but is not likely to result in federal listing.
Management Indicator Species	N/A	Species dependent, refer to Section 3.3.1.	Species dependent, refer to Section 3.3.1.

*** Some prescribed burning fuels treatments overlap harvest treatments as explained under the discussion of each alternative.*

Table 3. Comparison of Response of the Alternatives to the Issues

Alternative B would treat the most acres at high and medium insect infestation risk, and would also reduce the most acres of hazardous fuels. Both action alternatives would move toward Forest Plan objectives to minimize the effects of insects, reduce fuel loading and provide timber volume. Both action alternatives also address the issue of travel management and wildlife habitat improvement as it relates to roads, and provide wildlife habitat benefits associated with road closures. Public comment during scoping expressed concern with the amount of road closures, and Alternative B responds to that issue by leaving more roads open than Alternative C.

Reasons for My Decision

In making my decision, I considered public comments, how well the alternatives addressed the purpose and need for action, and the degree to which the alternatives responded to issues raised during the analysis. I also considered how well the alternatives met Revised Forest Plan and Phase I Amendment goals and objectives, management area direction, and standards and guidelines.

I reviewed the Research-Rochford EA and associated documents to determine whether the Forest Service needs to take management actions in the Research-Rochford project area to comply with the Revised Forest Plan and Phase I Amendment. I found that the EA clearly indicates that action is needed in the project area.

Some comments on the draft EA focused on concerns that the project may adversely affect wildlife and biodiversity. Closely associated with this concern was the need to ensure road closures were effective in reducing travel and enhancing wildlife habitat. Additional concerns expressed the need to keep sufficient roads open to facilitate fire suppression activities and historical access. Both of the action alternatives would comply with Forest Plan standards and guidelines for wildlife habitat capability, and would close several roads. Alternative B, the selected alternative, will provide sufficient access for fire control, public access and resource management.

Other comments expressed a desire to see more acreage treated than proposed. They indicated more vegetation management is needed to reduce susceptibility to mountain pine beetle and disagreed with the amount of dense forest retained following treatments under the project. The same concern was expressed about the acreage of dense stands that represent continued heavy fuel loads. These commentators would prefer more thinning to further reduce the fuel hazard risk. This concern influenced my decision to select Alternative B, since that alternative will result in the most mountain pine beetle risk reduction and involves the most acres of fuels treatment of any of the analyzed action alternatives. I did not select Alternative A or C because neither of these alternatives would reduce bug risk or fuel loads to the magnitude exhibited by Alternative B.

Prescribed burning is another point of contention in the public comments. Commentors expressed concern about the risk of a prescribed burn escaping control and the potential loss of commercial timber. To address these concerns, over half of the areas proposed for fuel hazard reduction treatments will not be burned, but will receive manual or mechanical fuel reduction treatment.

Considering the public comments and the information in the EA, I find that Alternative B best addresses the purpose and need statement, significant issues, and Revised Forest Plan and Phase I Amendment direction. The timber harvest and vegetation management actions identified in Alternative B are consistent with the Revised Forest Plan and Phase I

Amendment management area direction. Timber harvest is an integral part of the management prescription for Management Area 5.1 and is the most economical tool for implementing the Revised Forest Plan.

No new information was identified to indicate why the proposed vegetation management actions should not take place in the project area

CONSISTENCY WITH THE LAND AND RESOURCE MANAGEMENT PLAN

Regulations at 36 CFR 219.10 require me to ensure that permits, contracts, cooperative agreements, and other activities carried out on the Black Hills National Forest are consistent with the Forest Plan and Phase 1 Amendment. My decision is consistent with this direction in that:

- Planned activities will contribute to Forest Plan and Phase 1 Amendment goals and objectives (EA Section 1.5). They will not detract from or jeopardize any goal or objective.
- I have reviewed the BHNF Draft FY 2003 Monitoring Report and Region 2 MIS guidance for projects. The effects of planned activities on management indicator species are consistent with the Forest Plan.
- Planned activities are consistent with management area direction.
- Planned activities comply or move towards compliance with Forest Plan and Phase 1 Amendment standards and guidelines (EA Section 2.2).
- Planned activities meet resource protection and other requirements of 36 CFR 219.7 and 219.28:
    - Stands planned for regeneration harvest meet the "culmination of mean annual increment" requirements (silviculture analysis, project file).
    - No harvest will occur for timber production purposes on lands classified as unsuitable for timber harvest. Some harvest on unsuitable land is planned in the hardwood and meadow restoration treatments. These objectives are consistent with the Forest Plan and do not violate the regulation at 36 CFR 219.28.
    - A certified silviculturist determined that areas identified for regeneration harvest (for timber production purposes) are capable of being regenerated within five years of final harvest.
    - The selected alternative would not create any openings greater than 40 acres.

FINDINGS REQUIRED BY LAWS AND REGULATIONS

Executive Orders 11988 and 11990

No harvest activities will occur in riparian areas and no adverse effects to wetlands or to the integrity of floodplains due to project activities are anticipated (EA Section 3.4.2).

Endangered Species Act

No adverse effects are predicted on any threatened or endangered species (EA Section 3.3).

National Historic Preservation Act

Heritage resource inventories have been conducted in the project area, and potential effects on heritage resources have been considered. Sites determined to be eligible to the National Register of Historic Places will be protected through avoidance or mitigation. No adverse effects are anticipated. The South Dakota State Historic Preservation Officer has concurred with the determination of no effect (February 23, 2004 and May 10, 2004 Case Numbers 030318004F and 040414003F). The Section 106 compliance process is complete. (EA Section 3.9)

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the Research-Rochford EA, I have determined that the Proposed Action is not a major federal action that would significantly affect the quality of the human environment. None of the environmental effects of my decision meet the definitions of significance in context or intensity (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base this conclusion on the following:

Context:

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Revised Forest Plan and Phase I Amendment and contributes to meeting the goals of the Plan. None of the effects disclosed in the Research-Rochford EA are different from those anticipated in the FEIS for the Revised Forest Plan or the EA for the Phase I Amendment. Cumulative effects have been considered and analyzed for the project area and watersheds. Site-specific effects within the project area have been estimated and disclosed in the environmental assessment. The contribution of this project to the effects described in the FEIS, the possible cumulative effects, and the site-specific effects on the project area have all been considered in this determination.

Intensity:

Impacts that may be both beneficial and adverse. Both beneficial and adverse effects have been considered and disclosed in the EA.

The degree to which the proposed action affects public health or safety. Public health and safety will be minimally affected by the action. Mitigation measures included in the EA are designed to minimize safety concerns associated with the project vegetation harvest treatments, fuels treatments, and transportation management actions.

Unique characteristics of geographic areas, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no known unique characteristics of the area that would be adversely affected by the project. No prime farmlands, park lands, wild or scenic rivers, or ecologically critical areas occur in the Research-Rochford project area. No adverse

impacts are anticipated within floodplains. No adverse effects to wetlands or cultural resources are expected. No trend toward Federal listing or loss of species viability is expected for sensitive species as a result of the action. See chapter 3 of the EA and the project file.

The degree to which the effects on the quality of the human environment are likely to be highly controversial. The environmental effects of the proposed activities are known and there is little controversy over the actual effects. The effects on biological diversity have been described and mitigation has been included so the Research-Rochford EA can contribute to maintaining habitat for viable plant and animal populations, water quality, and soil productivity. I believe the kinds of effects that are likely to occur are not highly controversial. (Disagreement over the decision itself does not constitute controversy for the purpose of determining significance under 40 CFR 1508.27.)

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The possible effects of this proposal are known because the actions are similar to other management activities on the National Forest. Timber harvesting has occurred in the Black Hills for over 120 years and has occurred previously in the Research-Rochford project area. Implementation of the proposed activities does not involve any unique or unknown risks.

The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The proposal does not set a precedent or represent a decision in principle for any future actions.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Similar and connected actions related to this proposal have been included as part of the alternatives and their effects analyzed and disclosed. This includes timber stand improvement thinning and road reconstruction to access areas for timber harvest. Cumulative effects, including past, present, and reasonably foreseeable future actions, on both private and public lands, have been analyzed and disclosed. See chapter 3 of the EA and the project file.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. No adverse effects on heritage resources are expected. The State Historic Preservation Officer has concurred with the determination of no effect. See Chapter 3 of the EA.

The degree to which the action may adversely affect an endangered or threatened species or its habitat. No effects on threatened or endangered species are expected, as none are known to occur within the project area with the exception of occasional winter use by bald eagles.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. All state water quality requirements will be met as well as other Federal, State, and local requirements imposed for the protection of the environment. Effects on water quality, floodplains, and wetlands are documented in the EA and project file. Mitigation measures are used to protect water quality and to meet standards imposed by the Forest Plan and the State. Best Management Practices are applied consistent with requirements of the Clean Water Act. Changes in air quality are

expected to be negligible during harvest of sawtimber. Prescribed burning will comply with air quality standards, as addressed in more detail in the individual burn plans that will be developed for each burn. No violations of environmental laws and requirements were identified through the environmental effects analysis.

ADMINISTRATIVE REVIEW

This decision is subject to administrative review pursuant to Federal regulations at 36 CFR 215.11 (June 2003 regulations). Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (36 CFR 215.8) within 45 days following the date of publication of a legal notice of this decision in the Rapid City Journal. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (36 CFR 215.15(a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Pursuant to 36 CFR 215.13, only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

WHERE TO FILE AN APPEAL

USDA, Forest Service, Region 2
Attn: Appeal Deciding Officer
P.O. Box 25127
Lakewood, CO 80225-25127

Physical address:
740 Simms
Golden, CO 80401

Fax: (303) 275-5134 Email: appeals-rocky-mountain-regional-office@fs.fed.us

For appeals that are faxed, include a cover page stating how many pages are included within the fax.

For appeals filed electronically, the name of the project decision being appealed should appear in the subject line. Electronically filed appeals must be readable in either Word, Rich Text, or pdf formats. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement confirming agency receipt. If the appellant does not receive an automated acknowledgement of the receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means. (36 CFR 215.15(c)(3))

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (36 CFR 215.14):

(1) Appellant's name and address (36 CFR 215.2), with a telephone number, if available;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);

(3) When multiple names are listed on an appeal, identification of the lead appellant (36 CFR 215.2) and verification of the identity of the lead appellant upon request;

(4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;

(5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (36 CFR 215.11(d));

(6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;

(7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;

(8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and

(9) How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition (36 CFR 215.9(b)).

Contact Person

For additional information on this decision or the project area, contact Dave Atkins, Northern Hills Ranger District, 2014 North Main Street, Spearfish, SD 57783, phone: (605) 642-4622, email: daatkins@fs.fed.us.

/s/ Brad Exton 6/1/04

BRAD EXTON
Acting Forest Supervisor
Black Hills National Forest

Date